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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/010,387	12/07/2001	Philip H. Spano JR.	DB000972-000	. 4454
24122	7590 01/23/2004		EXAMINER	
	ED & ARMSTRONG,	BUTLER, MICHAEL E		
ONE OXFOR	RD CENTRE STREET, 14TH FLOOR	ART UNIT	PAPER NUMBER	
	H, PA 15219-1425		3653	
			DATE MAILED: 01/23/2004	1

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Applica	ation No.	Applicant(s)	00
Examiner Michael Butler 3653 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estensions of line may be available under the provisions of 37 CFR 1.13(a), in no event, however, may a reply be limitely filled after 5% (b) MONTHS from the mailing date of this communication. For this provision is the provision of 37 CFR 1.13(a), in no event, however, may a reply be limitely filled after 5% (b) MONTHS from the mailing date of this communication. Fellips to provision the set of control of the control of the fill of the set of the			10/010	.387	SPANO ET AL.	X)
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2) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.	1) Notice 2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (F		5) Notice o	v Summary (PTO-413) Paper No(s) f Informal Patent Application (PTO-15	

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DETAILED ACTION

Restart Response Period

1. References: Yarin '999 and Gilmore were omitted from the office action mailed 1/6/04.

The Office action with omitted references and restarted response period is generated along with correction of a rejection template preamble identifying non present claim numbers as being rejected.

Election/Restriction

2. Applicant's election of invention I without traverse of the restriction requirement in Paper No. 8 is acknowledged and made final.

Drawings

3. The drawings are acceptable.

Claim Rejections - 35 USC § 102

- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
 - A person shall be entitled to a patent unless --
 - (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
 - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
 - (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- 5. Claims 1-3, 5-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Higham et al. '653 which discloses:

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(Re: cl 1, 6) A method, comprising: entering user information into a processor controlling a dispensing cabinet (cl6 L 54-64); said processor unlocking certain doors of the dispensing cabinet in response to said user information; choosing a locate mode (fig 10A); identifying an item to be located (fig 10D 4th box; col. 21 L 46-59); flashing a display positioned on a shelf within the cabinet with the number of items held by that shelf which are to be located; logging off; and locking the unlocked doors (abstract; cl4 L 30-35)

(Re: cl 2,6) entering patient information. (Fig 18a second box)

(Re: cl 3) the steps of opening one of the unlocked doors, selecting a compartment, entering the number of items taken, and closing the opened door (fig 18a;abstract).

(Re: cl 5, 8). identifying an item to be located includes one of picking an item from a pick list, inputting identifying information with a keypad, and barcode scanning. (C28 L 7-33).

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarin et al. '999 in view of Gilmore, with Yarin et al. '999 disclosing the elements previously discussed and further suggests:

(Re: cl 4,7) a locate mode includes choosing from among a dispense, locate, return and restock mode (fig 12; c 9 L 20-43).

It would have been obvious at the time of the invention for Yarin et al. '999 to have a locate mode menu so that a multi mode authorized user may select the desired dispenser operation mode as taught by Gilmore and come up with the instant invention.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael & Dittle

Examiner

DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600